

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) CRIMINAL ACTION NO. 2:12cr20-MHT
)
v.)
)
CHIQUITA SMITH)

ORDER

COUNSEL ARE DIRECTED TO PAY PARTICULAR ATTENTION TO PARAGRAPHS 4 AND 5 IN THIS ORDER. FAILURE TO COMPLY WITH THESE TWO PARAGRAPHS WILL SUBJECT COUNSEL TO SANCTIONS.

The defendant by consent has appeared before a United States Magistrate Judge and has entered a plea of guilty. The Magistrate Judge accepted the plea of guilty and has adjudicated the defendant guilty. Accordingly, it is ORDERED as follows:

1. Sentencing of the defendant is hereby set on **August 15, 2012 at 10:00 a.m.**, Courtroom 2FMJ, the Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

2. In accordance with Rule 32(f)(1), *Federal Rules of Criminal Procedure*, counsel for the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. The probation officer will notify parties of the objection deadline and will schedule a conference to discuss and resolve, if possible, any factual and legal issues contained in the presentence report.

3. Any motion for downward departure shall be filed on or before the conference date with the probation officer, unless based on unknown and unforeseen circumstances arising after that date, in which case the motion must be filed promptly upon discovery of such circumstances.

4. Four business days before the sentencing date, the Government and the defendant shall each file a memorandum setting forth (a) the sentence the defendant should receive and (b) why that sentence is appropriate based on the facts and the law.

5. The following motions must be filed at least four business days before the sentencing date

if the bases for the motions are known at that time: A motion for reduction of sentence based on the defendant's cooperation; a motion for reduction of sentence based on defendant's acceptance of responsibility; and a motion for variance (downward or upward) from the Guideline Sentence.

Nothing contained in this Order shall be construed as impairing the rights of any party as established in the Constitution or laws of the United States.

DONE this 3rd day of May 2012.

/s/ Myron H. Thompson

UNITED STATES DISTRICT JUDGE